

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: INMATE CALLING SOLUTIONS, LLC	DOCKET NOS. TF-04-178 WRU-04-23-3769
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ORDER APPROVING TARIFF AND GRANTING WAIVER

(Issued July 8, 2004)

On June 1, 2004, Inmate Calling Solutions, LLC (ICS), filed with the Utilities Board (Board) a proposed tariff, identified as Docket No. TF-04-178. ICS filed revisions to the proposed tariff on June 28, 2004. ICS is an alternative operator services company offering operator-assisted calling exclusively to correctional facilities. The rates found in the proposed tariff are at or below rates for similar services charged by AT&T Communications of the Midwest, Inc. (AT&T). ICS requests that the Board approve its proposed tariff.

Board rule 199 IAC 22.12(1)"b" provides that the Board will approve, without specific cost studies, "[t]ariff filings of AOS utilities that propose rates at or below the corresponding rates for similar services of utilities whose rates have been approved by the board in a rate case or set in a market determined by the board to be competitive." The tariff filing demonstrates that the rates for the services are at or below the corresponding rates for similar services provided by AT&T. AT&T's rates are set in a competitive market. Therefore, the Board will approve ICS's tariff.

ICS's June 1, 2004, filing also included a request for a waiver of specific Board rules. ICS requested that the Board grant a waiver of 199 IAC 22.19(3) and (4) and 22.5(10)"a" and "f," which relate to blocking, posting, the confidential nature of operator-assisted calls, and connection to emergency services. The request was identified as Docket No. WRU-04-23-3769. No objection to the request has been filed.

In support of its request, ICS states that because of the nature of the services being provided, the correctional facilities must be able to control inmate access to some services.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rules.

The Board finds that a waiver of 199 IAC 22.19(3) and (4) and 22.5(10)"a" and "f" should be granted based on the Board's review of the information provided by ICS. The Board finds that it would be an undue hardship for ICS to abide by these rules given the specialized nature of the offered services. The Board also finds that the waiver will not affect the substantial legal rights of any person, that the provisions

of the rules are not specifically mandated by statute, and that equal protection of the public health, safety, and welfare have been afforded.

IT IS THEREFORE ORDERED:

1. The proposed tariff filed by Inmate Calling Solutions, LLC, on June 1, 2004, and revised on June 28, 2004, is approved. The tariff will be deemed to be effective as of July 1, 2004.

2. The waiver request filed by Inmate Calling Solutions, LLC, on June 1, 2004, is granted. The blocking requirement of 199 IAC 22.19(3), the posting requirement of 199 IAC 22.19(4), the confidentiality requirement of 199 IAC 22.5(1)"a," and the emergency services requirement of 199 IAC 22.5(10)"f" are waived.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 8th day of July, 2004.